

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10280 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Nos. 1 to 5 No.

UMEDBHAI VASTARAM PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PS PATEL for Petitioner

MR DA BAMBHANIA for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 12/02/97

ORAL JUDGEMENT

In this case the notice has been issued as to why this petition may not be admitted and finally disposed of. Accordingly, the matter comes up for final disposal and the order dated 27.12.1996 is to be treated as Rule.

Rule. Mr.D.A.Bambhania waives service of the Rule.

The petitioner was Taluka Development Officer.

On 2.11.1986 he was placed under suspension on account of the pendency of criminal case. There is no dispute that the petitioner has been acquitted from the criminal case on 14.8.,1995 and there is no dispute that during the pendency of the criminal case he had superannuated on 30.4.1993. In this view of the matter, the only question which requires to be considered is with regard to period of suspension from 2.11.1986 till the date of the retirement of the petitioner. Rule 152 of Bombay Civil Service Rules provides as to how the suspension period is to be treated in such case. Whereas the petitioner had already been acquitted in the criminal case, the appropriate orders are required to be passed by the Competent Authority in accordance with Rule 152. The respondent authorities are therefore directed to pass appropriate orders in accordance with law under Rule 152 of the Bombay Civil Service Rules with regard to the period from 2.11.1986 to 30.4.1993 within a period of one month from the date the certified copy of this order is served upon the concerned respondents. The appropriate orders with regard to retiral benefits of the petitioner shall also be passed within a period of one month and the orders to this effect shall be conveyed to the petitioner.

This Special Civil Application is accordingly allowed and the Rule is made absolute in the terms as aforesaid. No order as to costs.
